

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA

IN RE:

JESSE SOLIZ, JR. and
TRACI L. SOLIZ,

Debtors.

CASE NO. BK 09-83286
CHAPTER 13

**STIPULATION RESOLVING
MOTION FOR RELIEF FROM
THE AUTOMATIC STAY**

COMES NOW U.S. Bank, N.A., its Successors and/or Assigns (hereinafter "U.S. Bank"), by and through its attorney of record, Matthew E. Eck, and Debtors Jesse Soliz, Jr. and Traci L. Soliz, by and through their attorney of record, Bruce C. Barnhart, and hereby Stipulate as follows:

1. That Debtors filed their Petition for Relief under Chapter 13 of the United States Bankruptcy Code on December 7, 2009.

2. That U.S. Bank filed its Motion for Relief from the Automatic Stay on October 22, 2010, generally setting forth that Debtors had defaulted under the terms of their Chapter 13 Plan by failing to make their post-Petition payments directly to U.S. Bank. That Debtors filed their Resistance to said Motion on November 8, 2010.

3. That U.S. Bank and Debtors hereby agree that Debtors will resume their regular monthly payments to U.S. Bank starting with the December 1, 2010 payment, said payments currently being in the amount of \$1,362.15.

4. That U.S. Bank and the Debtors hereby agree that the current post-Petition delinquency is as follows:

a)	5 Post-Petition Payments @ \$1,362.15 (7/10 through 11/10)	\$ 6,810.75
b)	5 Late Charges @ \$54.49 (7/10 through 11/10)	\$ 272.45
c)	Bankruptcy Attorney fees and costs	\$ 800.00
d)	Post-Petition Property Inspections	\$ 80.00
	CURRENT POST-PETITION DELINQUENCY	\$ 7,963.20

5. That the Debtors will cure their current delinquency of \$7,963.20 owed to U.S. Bank by making twelve (12) consecutive monthly payments of \$663.60 per month by the 15th day of each month in addition to their regular monthly payments with the first such cure payment due December 15, 2010 and the final cure payment due on or before November 15, 2011.

6. That U.S. Bank and Debtors hereby agree that in the event that Debtors fail to make any future payments or the payments set forth in this Stipulation to U.S. Bank within 15 days of the due date, U.S. Bank shall be entitled to relief from the Automatic Stay, pursuant to 11 U.S.C. §362(d)(1), after giving notice to Debtors and their counsel that they have 15 days from the date of said notice in which to cure the default and then filing an Affidavit with the Court setting forth the Debtors' default and failure to cure. In the event that the Debtors convert this case to a proceeding under Chapter 7, U.S. Bank shall be entitled to relief from the Automatic Stay upon the filing of an Affidavit.

7. That U.S. Bank and Debtors further agree that in the event of any future default under this Stipulation requiring U.S. Bank's counsel to give notice to Debtors, Debtors agree to pay U.S. Bank's reasonable attorney fees in the sum of \$150.00 in addition to any default amount to fully cure Debtors' arrearage under any default pursuant to this Stipulation.

8. That in the event that relief from the Automatic Stay is granted to U.S. Bank, U.S. Bank shall be allowed to exercise its rights under the Note and Deed of Trust and applicable state and other non-bankruptcy law, to allow it to foreclose its security interest in the real estate commonly known as 14465 Grand Avenue, Omaha, Nebraska, and legally described as follows:

Lot 260, Westin Hills, A Subdivision, in Douglas County, Nebraska,

to allow it to commence proceedings for possession of the real estate after the foreclosure sale, if necessary, to allow it to offer, negotiate, enter into and/or accept any potential forbearance agreement, loan modification, refinance agreement, short sale agreement, deed-in-lieu of foreclosure or other loan workout or loss mitigation agreements

9. That in the event that relief from the Automatic Stay is granted to U.S. Bank, Debtors hereby agree that the stay set forth in Bankruptcy Rule 4001(a)(3) shall not apply.

10. That the Court may approve this Stipulation on any terms it deems necessary.

DATED this 22nd day of November, 2010.

JESSE SOLIZ, JR. and
TRACI L. SOLIZ, Debtors,

By: 

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Attorney for Debtor

U.S. BANK, N.A., its Successors and/or Assigns
a Secured Creditor,

By: 

For: LOCHER PAVELKA DOSTAL
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2002 Douglas Street
Omaha, Nebraska 68102
Phone: (402) 898-7000
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Matthew E. Eck

CERTIFICATE OF SERVICE

I hereby certify that on November 22nd 2010, I electronically filed the foregoing Stipulation with the Clerk of the United States Bankruptcy Court for the District of Nebraska using the CM/ECF system which sent notification of such filing by electronic mail to Bruce C. Barnhart, Debtor's Attorney; Kathleen Laughlin, Chapter 13 Trustee; and Patricia Fahey, Assistant U.S. Trustee, and I hereby certify that I have mailed by United States Mail, postage prepaid, the foregoing to the following non CM/ECF participant:

DEBTORS

Jesse Soliz, Jr.
Traci L. Soliz
14465 Grand Ave.
Omaha, Nebraska 68116